

9. During project construction, the applicant shall, pursuant to Section 5022 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site into storm drain systems and water bodies by:
  - a. Disposing of removed soil in a County-approved landfill, or by spreading the soil in the immediate vicinity employing the above erosion control techniques at a depth not to exceed 6 inches in height.
  - b. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 15.
  - c. Removing spoils promptly and avoiding stockpiling of fill materials when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
  - d. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to the storm drain system or water body.
  - e. Avoiding cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat runoff.
  - f. The applicant shall revegetate construction areas with native plant materials (trees, shrubs, and/or groundcover), which are compatible with the surrounding vegetation and are suitable to the climate, soil, and ecological characteristics of the area.

California Department of Forestry

10. Maintain around and adjacent to such buildings or structures, a fuelbreak/firebreak made by removing and clearing away flammable vegetation for a minimum distance of 30 feet. Remove that dead or dying portion of any tree which extends over any structure.
11. All buildings and structures must have an address posted in such a location and in such a manner that it can be easily seen while traveling in both directions on the main road day or night. Numerals shall be contrasting in color to their background and shall be no less than 4 inches in height, and have a minimum stroke of 3/4 inch.
12. All proposed enclosed structures on the site shall be equipped with an approved FM 200 fire protection system or equivalent which shall be maintained for the duration of the use permit.

13. Access must be provided from the street to the access gate at the proposed site. The access must be provided in such a manner that emergency crews can get emergency medical equipment and fire fighting equipment to the scene.
14. The existing metal fence with slats shall be maintained to protect the facility.
15. The project site shall remain accessible at all times. If an entry gate is installed, then a Knox Box is required at the entry gate to allow emergency personnel access to the site in case of an emergency. Contact the County Fire Department at 650/573-3846 for details.

LG:MJS:fc – MJSR1283-E\_WFU.DOC

# Application for Appeal

Case 4:08-cv-00342-CW

Document 31-1

Filed 11/21/2007

Page 3 of 33

Planning and Building Division

County Government Center • 455 County Center, 2nd Floor

Redwood City • CA • 94063 • Mail Drop PLN 122

Phone: 650 • 363 • 4161 Fax: 650 • 363 • 4849

☐ To the Planning Commission

☒ To the Board of Supervisors

## 1. Appellant Information

Name: T. Monroe Cochran

Address: 2527 Camino Ramon, Ste. 305  
San Ramon, Ca.

Phone, W: 530-383-0589 H: 925-244-1890

Zip: 94583

## 2. Appeal Information

Permit Numbers involved: PLN-2000-00497

I have read and understood the attached information regarding appeal process and alternatives.

☒ yes

☐ no

I hereby appeal the decision of the:

☐ Staff or Planning Director

☐ Zoning Hearing Officer

☐ Design Review Committee

☒ Planning Commission

Appellant's Signature:

T. Monroe Cochran

Date: 6/19/2007

made on June 13 2007 to approve/deny the above-listed permit applications.

## 3. Basis for Appeal

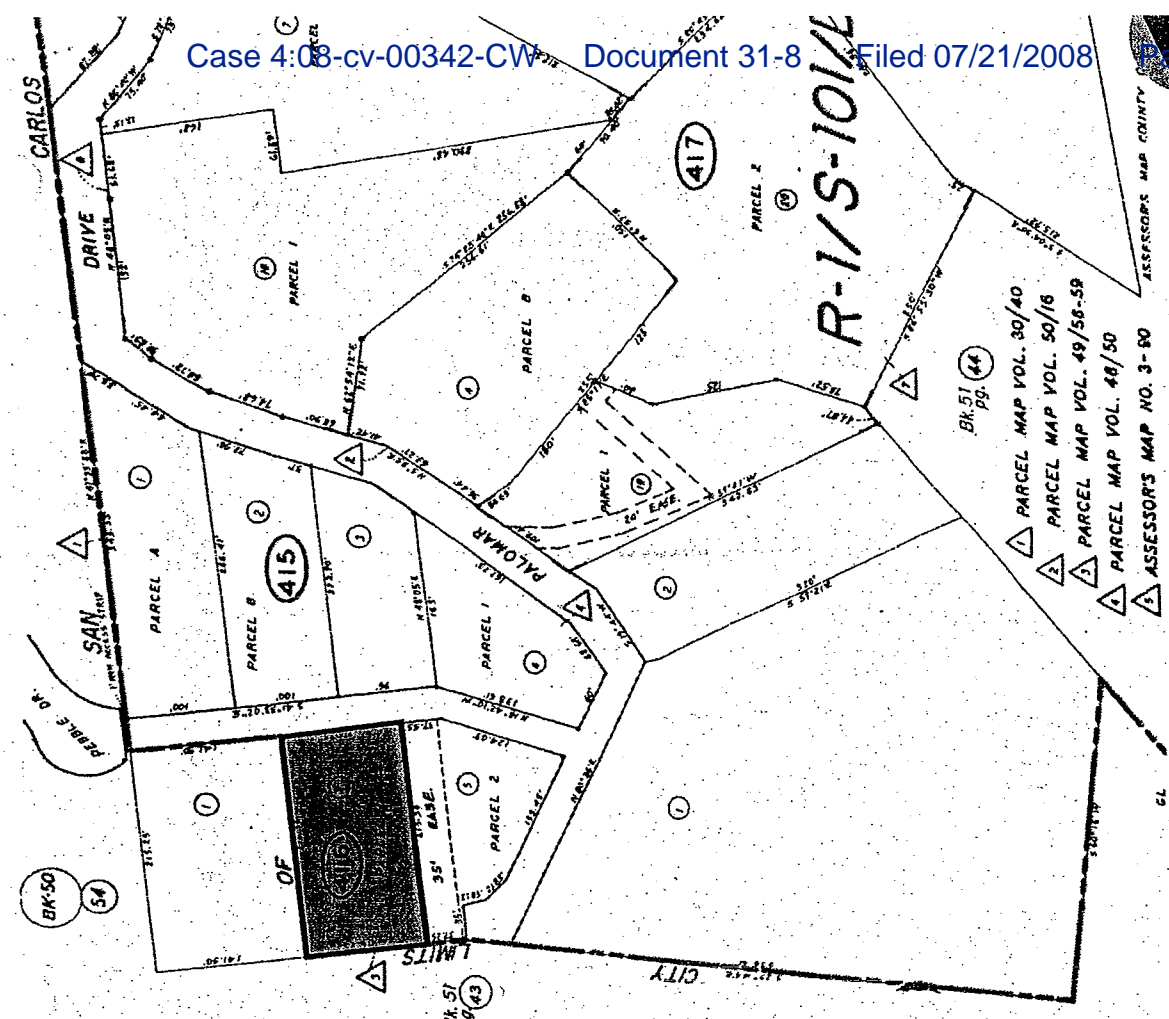
Planning staff will prepare a report based on your appeal. In order to facilitate this, your precise objections are needed. For example: Do you wish the decision reversed? If so, why? Do you object to certain conditions of approval? If so, then which conditions and why?

I wish the decision of the planning commission reversed because the commission had recommendations from the planning department before it which upheld all requirements of approval for the renewal of an existing use permit. This permit allowed Sprint PCS to build and operate a very critical cellular communications facility on property located at 1175 Palomar Dr., Redwood City, Ca. This location had an existing PACBELL/CINGULAR/AT&T facility already, and Sprint showed the necessity of using this location to provide service to an area where service was poor or non-existent.

ATTACHMENT B

AR 0302

017



**San Mateo County Board of Supervisors' Meeting**

ATTACHMENT C

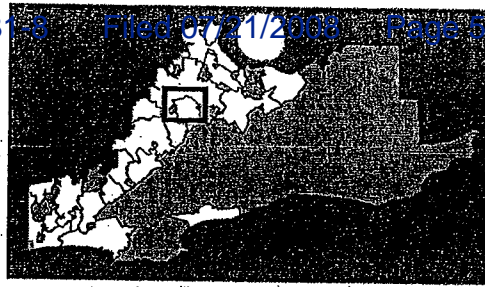
Applicant:

File Numbers:

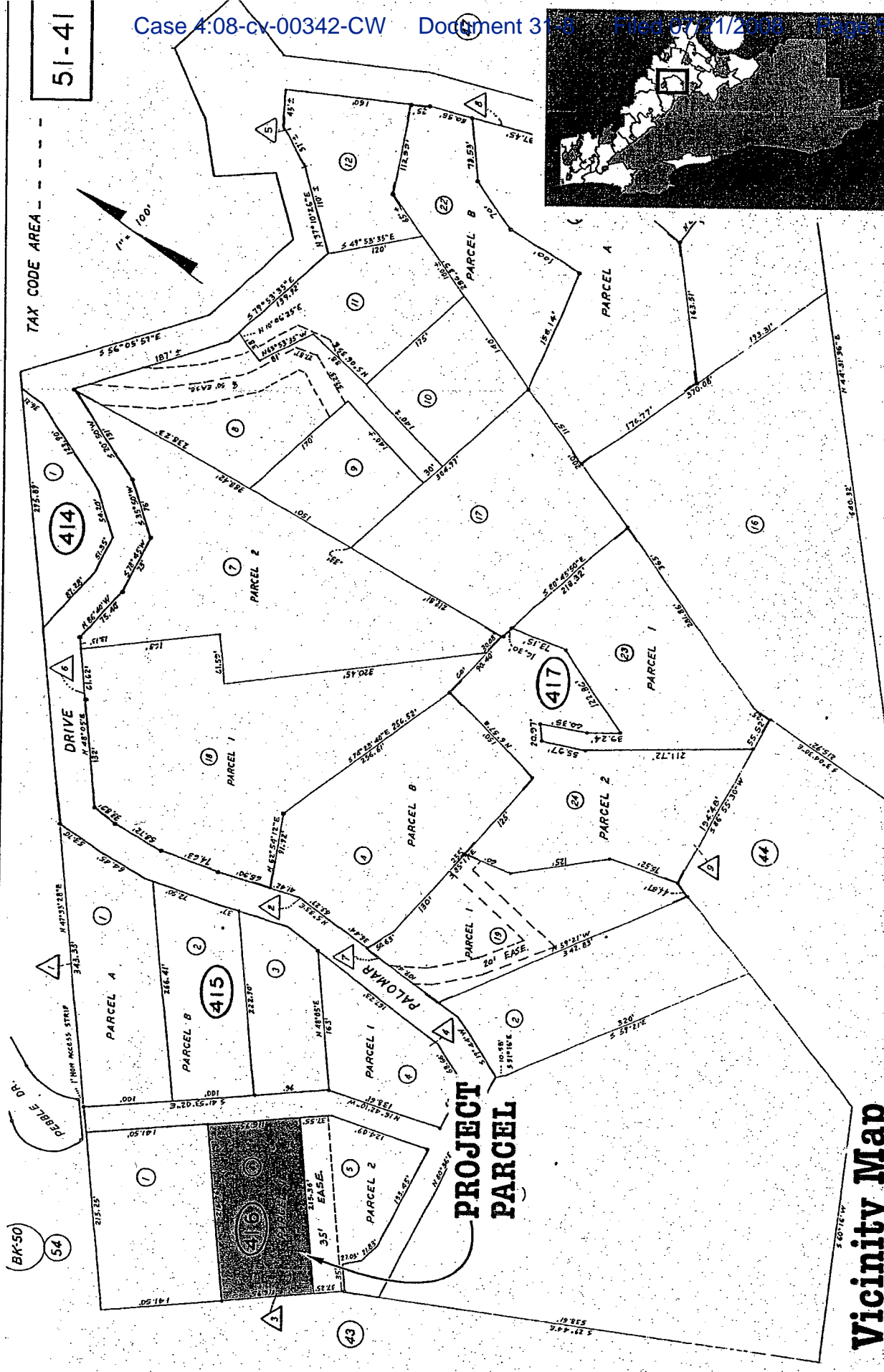
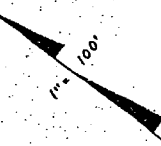
AR 0303

018

51-41



TAX CODE AREA - - -



# Vicinity Map

## San Mateo County Board of Supervisors' Meeting

Owner/Applicant: **Sprint**

File Numbers: **PLN 2000-00497**

ATTACHMENT C

AR 0304

019



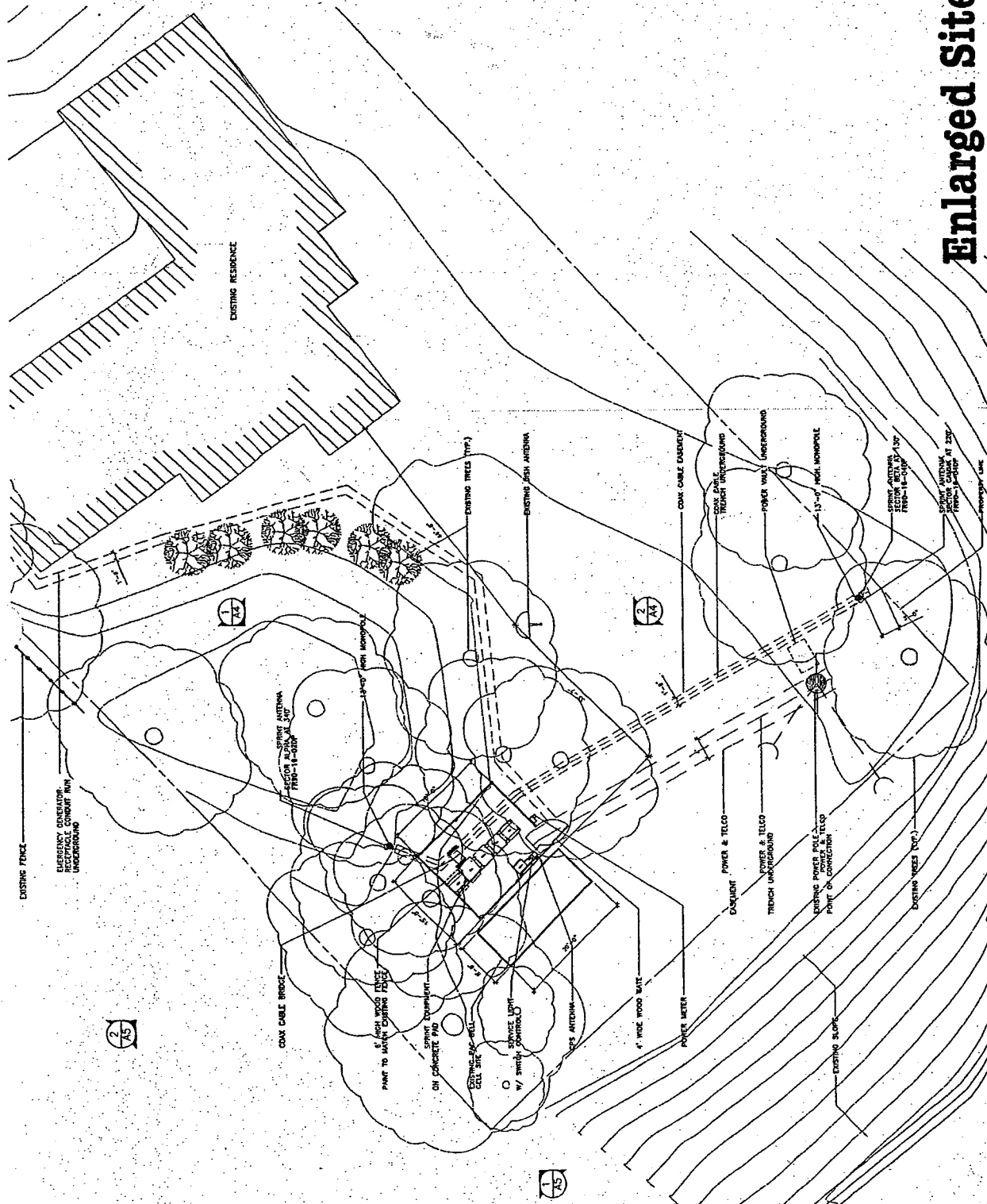
# Enlarged Site Plan

# San Mateo County Board of Supervisors' Meeting

Owner/Applicant: **Sprint**

File Numbers: **PLN 2000-00497**

# ATTACHMENT D





File Numbers: **PLN 2000-00497**

ATTACHMENT D

Attachment E

COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT

**ALTERNATIVE RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit File Number: PLN 2000-00497

Board Meeting Date: December 18, 2007

Prepared By: Michael Schaller, Senior  
Planner

For Adoption By: Board of Supervisors

**ALTERNATIVE RECOMMENDED FINDINGS**

For the Environmental Review, Find:

1. That this project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Section 15301, Class 1, relating to operation or permitting of existing private structures or facilities involving no expansion of use.

For the Use Permit, Find:

2. That the establishment, maintenance, and conducting of the proposed use will not, under the circumstances of the particular case, result in a significant adverse impact, or be detrimental to the public welfare or injurious to property or improvements in said neighborhood. The impacts from the continued operation of this facility, subject to the recommended conditions of approval, will be minimal. County staff has received no complaints regarding interference with household appliances or communications equipment resulting from the antennas. Because the facility is unmanned and only requires periodic service visits, continued operation of the facility should not generate additional traffic, noise, or intensity of use of the property.
3. That the approval of this cellular telecommunications addition is necessary for the public health, safety, convenience or welfare. The use is for telecommunication services. The FCC has established the desirability and need for wireless communications facilities to enable communication between mobile units and the existing wire-dependent telephone system. This facility contributes to an enhanced wireless network for increased clarity, range, and system capacity, and therefore is a benefit to both public and private users. The wireless network is considered necessary for public health, safety, convenience, and welfare, particularly in the case of a large-scale natural disaster, such as an earthquake or wildland fire. No adverse effects to public health and safety will result from the continued operation of this facility.



## **ALTERNATIVE RECOMMENDED CONDITIONS OF APPROVAL**

### **Planning Department**

1. This approval applies only to the proposal as described in this report and plans and documents submitted to the Planning Department on July 14, 2000. Minor adjustments to the project in the course of applying for building permits may be approved by the Community Development Director if they are consistent with the intent of and in substantial conformance with this approval.
2. The applicant shall complete all aspects of the open building permit (BLD 2000-01628), including relocation of the antenna pole, within four (4) months of use permit renewal.
3. This use permit shall be valid for a 10-year period and shall expire on December 18, 2017. The applicant shall file for a renewal of this permit six months prior to the expiration with the County Planning and Building Department, if continuation of this use is desired. Any modifications to this facility will require a use permit amendment. If an amendment is requested, the applicant shall submit the necessary documents and fees for consideration at a public hearing.
4. The monopoles and antennas shall be repainted in the originally approved and painted color, "enviro-green." Metal fencing with green plastic slats shall be maintained in good condition. Any proposed change to the color shall be reviewed and approved by the Planning Department prior to painting. Any new color proposed shall blend with the character of the site and the vegetation in the vicinity.
5. Construction hours shall be Monday through Friday 7:00 a.m. to 6:00 p.m., Saturday 9:00 a.m. to 5:00 p.m., and no construction will be allowed on Sundays or national holidays.
6. Noise levels produced by the proposed construction activity shall not exceed 80-dBA level at any one moment.
7. The installation shall be removed in its entirety at that time when this technology becomes obsolete or this facility is no longer needed.
8. The applicant shall submit an erosion control plan which implements best management practices to prevent erosion and sedimentation during the entire construction process prior to building permit issuance. The plan shall include, but is not limited to: (1) installation of silt blankets and fiber rolls below all areas of earth clearing, (2) covering of surcharges for protection from rain and wind erosion, and (3) replanting all disturbed areas immediately upon completion of construction with indigenous vegetation.

9. During project construction, the applicant shall, pursuant to Section 5022 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site into storm drain systems and water bodies by:
  - a. Disposing of removed soil in a County-approved landfill, or by spreading the soil in the immediate vicinity employing the above erosion control techniques at a depth not to exceed 6 inches in height.
  - b. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 15.
  - c. Removing spoils promptly and avoiding stockpiling of fill materials when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
  - d. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to the storm drain system or water body.
  - e. Avoiding cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat runoff.
  - f. The applicant shall revegetate construction areas with native plant materials (trees, shrubs, and/or groundcover), which are compatible with the surrounding vegetation and are suitable to the climate, soil, and ecological characteristics of the area.

California Department of Forestry

10. Maintain around and adjacent to such buildings or structures, a fuelbreak/firebreak made by removing and clearing away flammable vegetation for a minimum distance of 30 feet. Remove that dead or dying portion of any tree which extends over any structure.
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12. All proposed enclosed structures on the site shall be equipped with an approved FM 200 fire protection system or equivalent which shall be maintained for the duration of the use permit.

13. Access must be provided from the street to the access gate at the proposed site. The access must be provided in such a manner that emergency crews can get emergency medical equipment and fire fighting equipment to the scene.
14. The existing metal fence with slats shall be maintained to protect the facility.
15. The project site shall remain accessible at all times. If an entry gate is installed, then a Knox Box is required at the entry gate to allow emergency personnel access to the site in case of an emergency. Contact the County Fire Department at 650/573-3846 for details.

ATTACHMENT F

# NSA Wireless, Inc.

*Site Acquisition • Planning • Political Advocacy • Construction Management*

Date: October 10, 2007

To: Zoning Hearing Officer  
Michael Schaller, Project Planner  
San Mateo County Planning & Building Department  
455 County Center, 2<sup>nd</sup> Floor  
Redwood City, California 94063

From: Chris Durand, NSA Wireless, Inc.  
Steven J. Christenson, NSA Wireless, Inc.  
Agent for the Applicant, Sprint/Nextel

Subject: Executive Summary: Consideration of a Use Permit renewal to allow the continued operation of a cellular communications facility consisting of two (2) 13-foot tall monopoles and one (1) equipment enclosure measuring 18 feet by 15 feet located in the rear yard of the residential property located at 1175 Palomar Drive in the unincorporated Palomar Park area of San Mateo County. (Appeal by the permit holder from the decision of the Planning Commission and continued from the Board of Supervisors until the November 6, 2007 hearing calendar to grant the appeal from the decision from Zoning Hearing Officer and revoke the Use Permit.)

County File No.: PLN2000-00497 (Sprint/Nextel)

## BACKGROUND

As stated in the letter dated October 4, 2007 from the Planning Commission Secretary, Rosario Fernandez, the Board of Supervisors closed the public hearing and continued the item to November 6, 2007. In continuing the item, the Board requested the representative for Sprint/Nextel to provide an alternative site study for the project and directed staff to determine the potential impacts from the removal of this cellular facility would have on public safety.

## CURRENT COVERAGE

The existing coverage maps with and without this site have been previously submitted to the Planning Commission and staff. This map outlines the poor and average coverage that would result if this existing telecommunications facility were to be removed. Sector A coverage would be affected to the northwest from Appian Way to Hassler Road. The successfully completed number of calls average 264 per day with the minutes of usage (MOU) on a daily basis from this location of 680. Sector B provides contiguous coverage from the PG&E tower on Edgewood Rd looking toward the west covering Highway 280. The average numbers of successfully completed calls daily are 203. The daily minutes of usage are 625. Sector C provides contiguous coverage along Edgewood Road to Cordilleras Road. The successfully completed

# NSA Wireless, Inc.

*Site Acquisition • Planning • Political Advocacy • Construction Management*

calls daily average 2,215. The minutes of usage are 5,462. The removal of this existing facility would impact residential emergency response in the Palomar Park area and all the commuter traffic along Edgewood Rd. In addition, there is an average of four (4) E-911 calls from this facility per month. Those are the most critical of calls that would not be able to be completed thereby delaying emergency response times to citizens in crisis.

## CHRONOLOGICAL EVENTS

November 17, 2000- June 26, 2001	Use Permit for Sprint was approved by the Planning Department Final Planning approval completed per county Case Activity log for BLD-01628.
September 13, 2005	Verizon Wireless provided county staff a letter stating that they would relocate the non-conforming Sprint antenna within their project as a condition of approval (PLN 2005-00306) on the same property.
February 23, 2006	Application for CUP renewal filed with county.
February 27, 2006	County extended the deadline for final review renewal notice.
March 13, 2006	Application sent to an outside planning firm, Jennifer Cutler, MHA Environmental Consulting, Inc. for review and comment.
December 7, 2006	First ZHO public hearing to consider the renewal of the Use Permit. The recommendation was to "Approve the use permit renewal, County File No. PLN2000-00497, by making the required findings and adopting the conditions of approval in Attachment A. A modification to Condition 3-requesting the Use Permit shall be extended to December 7, 2011. The item was continued to January 18, 2007 to allow sufficient time for the applicant to implement the approved landscaping plan that was previously required and for staff to confirm installation.
December 23, 2006	Landscaping was completed per the approved plan.
January 18, 2007	ZHO conditionally approves renewal of the Sprint Use Permit including relocation of the existing pole to appropriate location as noted on originally approved plans.
February 1, 2007	Palomar homeowners file an appeal to the Planning Commission.
April 12, 2007	Sprint relocated the misplaced pole under the existing Building Permit that was granted to originally construct the site monopole.
April 15, 2007	The relocation of the non-conforming site was completed.
May 9, 2007	First PC hearing. Planning Commission directs staff to prepare findings for revocation. It was the recommendation from the ZHO "that the Planning Commission deny appeal and uphold the decision of the Zoning Hearing Officer..."
May 23, 2007	Second PC hearing. PC discusses the proposed findings for revocation; however, the Commission is unable to adopt the findings due to lack of support for denial from all three Commissioners present (only three Commissioners were present and the vote was 2-1)
June 13, 2007	Third PC public hearing. PC adopts findings for revocation.

**AR 0312**



# NSA Wireless, Inc.

*Site Acquisition • Planning • Political Advocacy • Construction Management*

June 19, 2007	Appeal to the Board of Supervisors filed by Sprint.
September 17, 2007	Staff with direction from the PC drafts its Finding for Revocation
September 27, 2007	NSA Wireless, Inc. acting agent on behalf of Sprint receives staff report county recommendations.
October 1, 2007	Sprint requested a continuance to further evaluate and respond to the staff report.
October 2, 2007	Board of Supervisors denies Sprint continuance request and holds the public hearing.
October 4, 2007	Continuance until November 6, 2007. Applicant to provide and alternative site analysis, staff is to determine the potential impacts from the removal of this site upon public safety.

## INTRODUCTION

Sprint CDMA service currently exists to the west at #17 PG&E tower located north of Edgewood Road at Highway 280. Coverage to the east is provided by a Sprint telecommunication site located at 170 Alameda De Las Pulgas. The site in question is positioned directly in-between these two sites and provides for successful call completion and hand-off in the volume and minutes of daily usage as previously stated. On October 9, 2007, Chris Cubanske, RF Engineer for Sprint and the site acquisition staff from NSA Wireless, Inc. conducted field evaluations in search of alternative candidates that would provide the same level of service currently existing. The following alternative analysis is the results of our investigation.

## ALTERNATIVE ANALYSIS

### Candidate One:

:

The Mormon Church located at Scenic Drive and 1475 Edgewood Rd. This is at the entrance to Palomar Park at Scenic Drive. The site is approximately 500 feet below the existing facility and would not be viable for the total coverage that the existing facility currently provides. It would serve as a replacement to Sector B covering mobile traffic on Edgewood Rd from Bennett Rd to Crestview Court. It has been our experience in the past that the Mormon Church is reluctant to negotiate with wireless telecommunications carriers for use of their facilities. This is the only non-residential candidate identified that would provide some replacement coverage along Edgewood Road.

### Candidate Two:

**AR 0313**

The Medical building currently located on Edmonds Drive next to the Cal Fire County Engine House #18 (previously known as the California Department of Forestry). There is a penthouse structure with an existing unused flag pole that could act as a replacement for Sector C of the existing telecommunications facility. We do not believe that it would provide more than 25% coverage of Sector A. The height of the flag pole as it relates to the topography of the area would hand off to the PG&E tower #17 facilities located next to Highway 280 and Edgewood

# NSA Wireless, Inc.

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Rd. In speaking with the Cal Fire employees, they informed us that their land line phone service is periodically interrupted leaving them to rely on wireless phone service. They also stated that their two-way radios do not work in the Medical Building next door-again leaving them to rely on wireless phone service. They would support a site at their facility to enhance cellular service, but this would not provide more than 25% that the existing site currently covers. This would also include a long lease timeframe as we would have to negotiate with the County of San Mateo for the use of their facility.

## Candidate Three:

The existing joint utility pole located at the rear of the residential property located at 1175 Palomar Drive. Both Sector B and Sector C could be mounted above the existing utilities and painted to match the wood utility pole and would provide the same or better coverage than the existing facility provides. The process would require a JPA Agreement with Pacific Gas & Electric and AT&T, but could potentially reduce one visual element of the site by removing the 13 foot monopole near the south property line.

## Candidate Four:

The Clifford K-8 school located at Scenic Drive. This is a single story building located at approximately the same elevation as Edgewood Road. A potential wireless site at the existing building height is not feasible. In consideration of the existing topography, we would need to elevate the site significantly with a light pole or other tower structure to provide 25% of the coverage of Sector A. The school would not be viable as a candidate for Sector B.

## DISCUSSION TOPIC

### Redwood City Daily News

The Newspaper article from the Redwood City Daily News dated September 21, 2007 written by Daily News Staff Writer Shaun Bishop titled "Alert System Dialed In and Ready for Use." The article states "When the Big One hits, your cell phone will know about it. That's the hope of the San Mateo County's Office of Emergency Services, which officially rolled out its SMC Alert system on Thursday. Using the county Web site, residents can sign up to get messages sent to cell phones or e-mail addresses about a variety of events in Peninsula cities and unincorporated areas. Users can receive messages about things like earthquakes, major traffic accidents and Amber Alerts...In a disaster, "the most important thing besides rendering aid is to get information out," said Sheriff Greg Munks, who called the system an "exciting and powerful tool." "It's long overdue," added Supervisor Adrienne Tissier. The agency has been testing the system for about eight months and has about 1,650 users signed up so far, officials said. The article continues on to state, "There is also a portion of the system that sends messages to emergency responders. About 1,800 law enforcement and rescue employees have signed up for the service, officials said. The county hopes to expand the system so that school districts can send out alerts." See attached.

**AR 0314**

# NSA Wireless, Inc.

*Site Acquisition • Planning • Political Advocacy • Construction Management*

## Cal Fire Web Page-(Fire Prevention and Planning)

### About Communities at Risk

"To help protect people and their property from potential catastrophic wildfire, the national Fire Plan directs funding to be provided for projects designed to reduce the fire risks to communities. A fundamental step in achieving this goal was the identification of communities that are at high risk of damage by wildfire. These high risk communities identified within the wild land-urban interface, the area where homes and wild lands intermix, were published in the Federal Register in 2001. At the request of Congress, the Federal Register notice only listed those communities neighboring federal lands. The list represents the collaborative work of the 50 states and five federal agencies using a standardized process, whereby states were asked to submit all communities within their borders that met the criteria of structure at high risk from wildfire. Redwood City in the San Mateo County is listed, seventh down on page 3 of 18 of this Federal Register list. See attached.

### Emergency Services Open Bidding

Under current state law there is Open Bidding for all telecommunications carriers to provide their services to Emergency Services Departments throughout the State of California. These contracts are designated for a certain period of time and then re-bid. Example: The current state wide provider for emergency services has been awarded to Verizon Wireless. Under the previous state contract, the service provider was Cingular Wireless. Deactivating or revoking E-911 emergency services with coverage that has been provided for six years will result in an unfair disadvantage to Sprint during the next open bidding session.

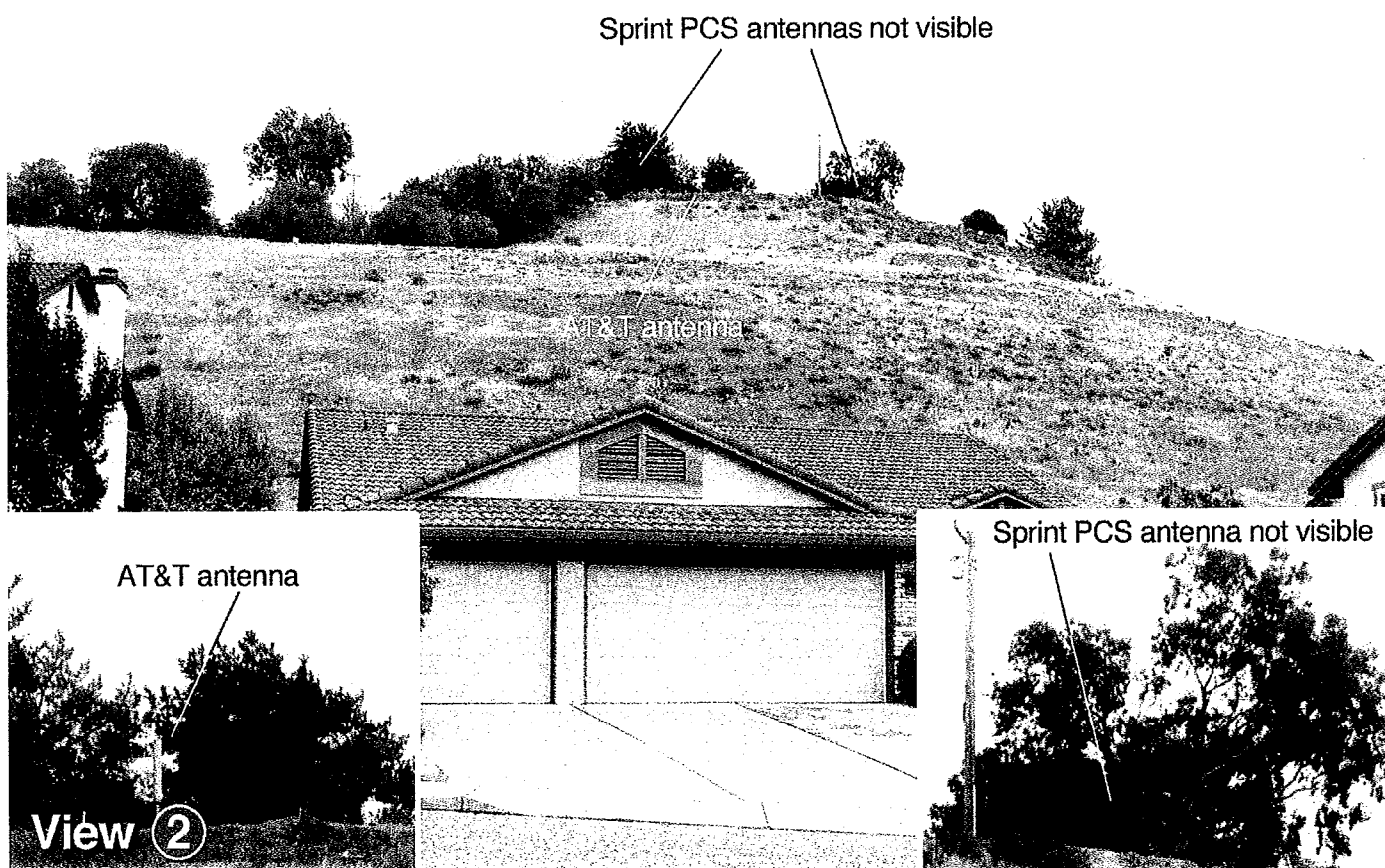
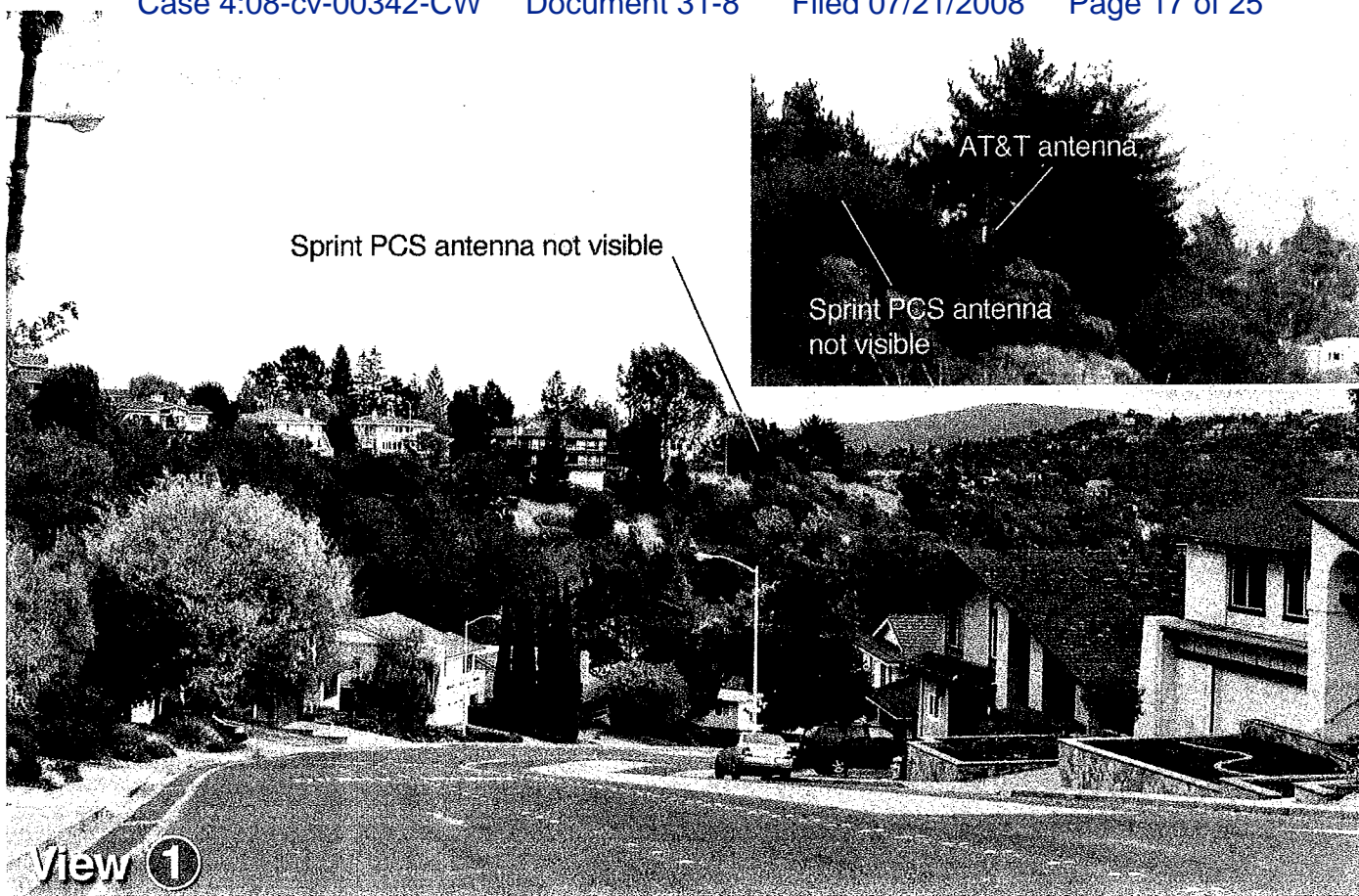
### CONCLUSION

The Sprint site at 1175 Palomar Drive provides important wireless voice and data service and critical E-911 emergency calling capabilities to a major San Mateo County thoroughfare "Edgewood Road." This site also provides "good" in-building coverage to the Palomar Park and Crestview neighborhood. The nature of wireless technology is constantly evolving from mobile phone applications to data service; internet connections, air cards for laptop and home computers and the replacement of landline phone service. The average completed call volume for the two (2) sectors providing coverage (A and C) to the residential area exceeds 14,000 per month. The average completed call volume for the east facing sector servicing Edgewood Road exceeds 80,000 calls per month. While it is feasible to provide some level of replacement coverage along Edgewood Road with one or more of the alternative sites this Sector B has the highest traffic call usage and will be the most difficult to replace, it would be more feasible to replace the service coverage currently available in the residential areas.

Sprint respectfully requests that the Board of Supervisors carefully review the attached photographs and coverage maps attached to the alternative analysis, and personally visit the site to understand its uniqueness and minimal impact on the neighborhood.

030





Palomar  
1175 Palomar Drive  
Redwood City, CA

AR 0316

10/10/07

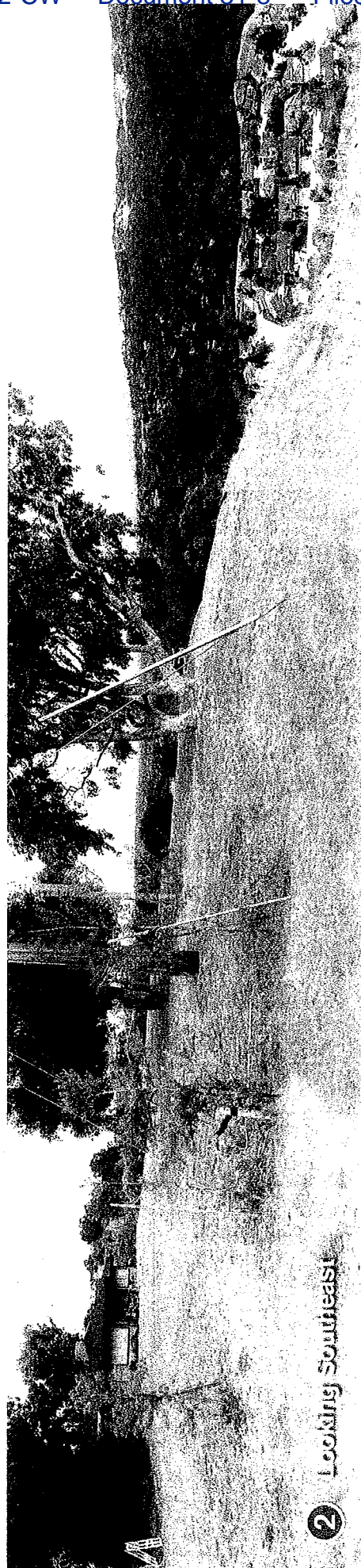
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Applied Imagination 510 914-0500

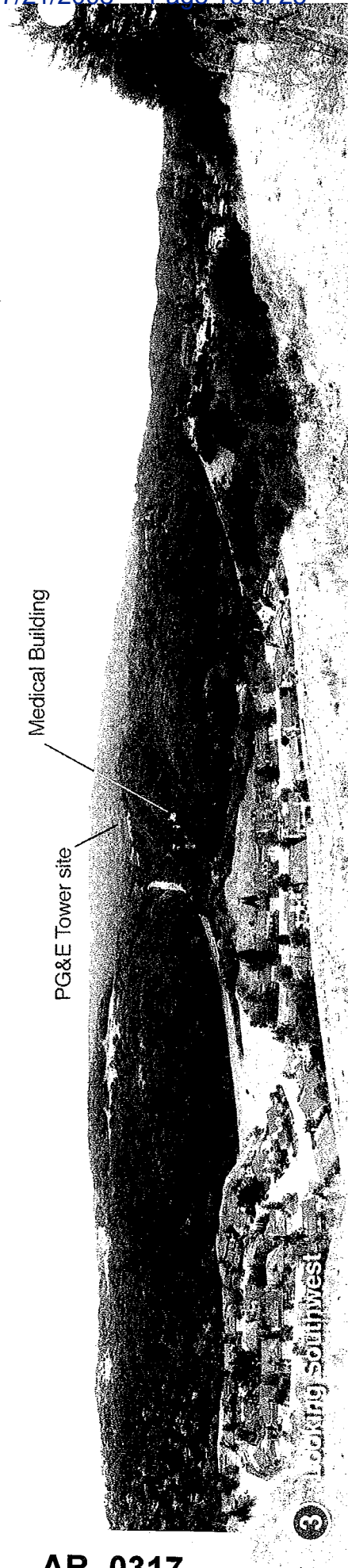




① Looking East



② Looking Southeast



③ Looking Southwest

PG&E Tower site

Medical Building

AR 0317

Panorama

Sprint  
10/10/07  
Palomar  
1175 Palomar Drive  
Redwood City, CA

Applied Imagination 510 914-0500

032



Sprint PCS antenna not visible

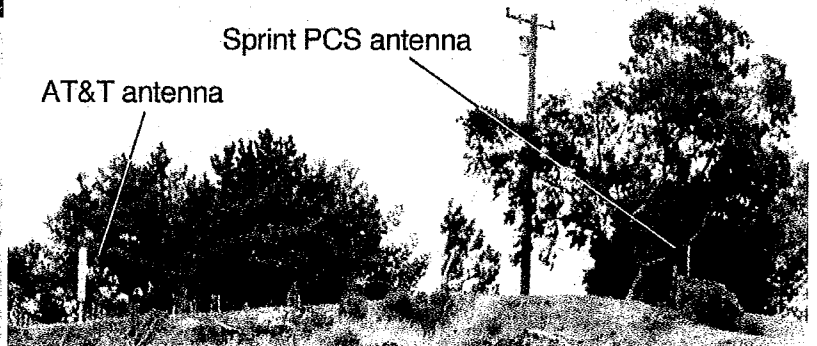
AT&amp;T antenna

Sprint PCS antenna



Sprint PCS antenna

AT&amp;T antenna



View 3



Sprint PCS antenna



View 4



Palomar

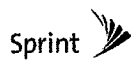
1175 Palomar Drive  
Redwood City, CA

AR 0318

10/10/07

038 Applied Imagination 510 914-0500





**Palomar**

1175 Palomar Drive  
Redwood City, CA

**AR 0319**

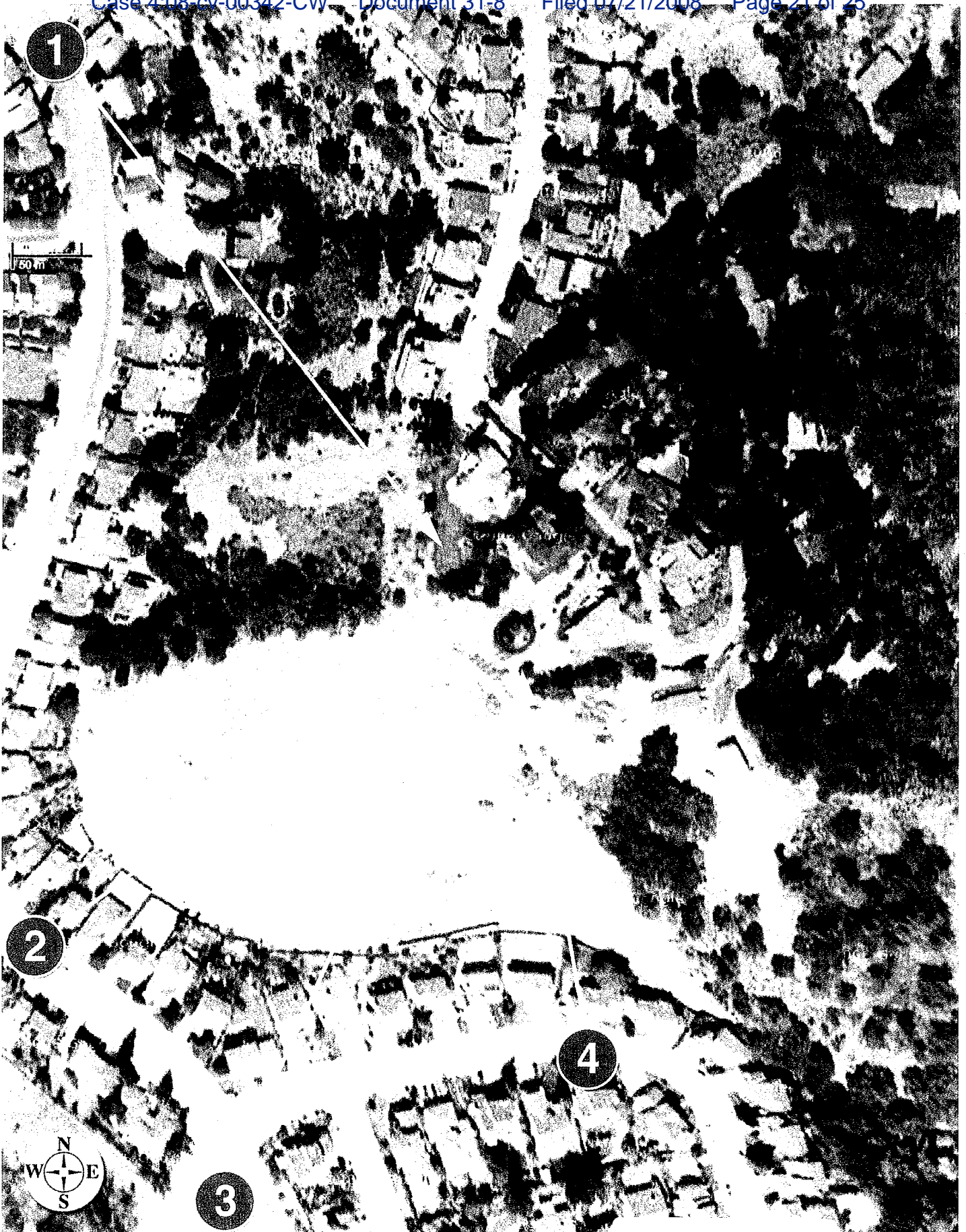
**Flyover**

10/10/07

034

Applied Imagination 510 914-0500





**Palomar**

1175 Palomar Drive  
Redwood City, CA

**AR 0320**

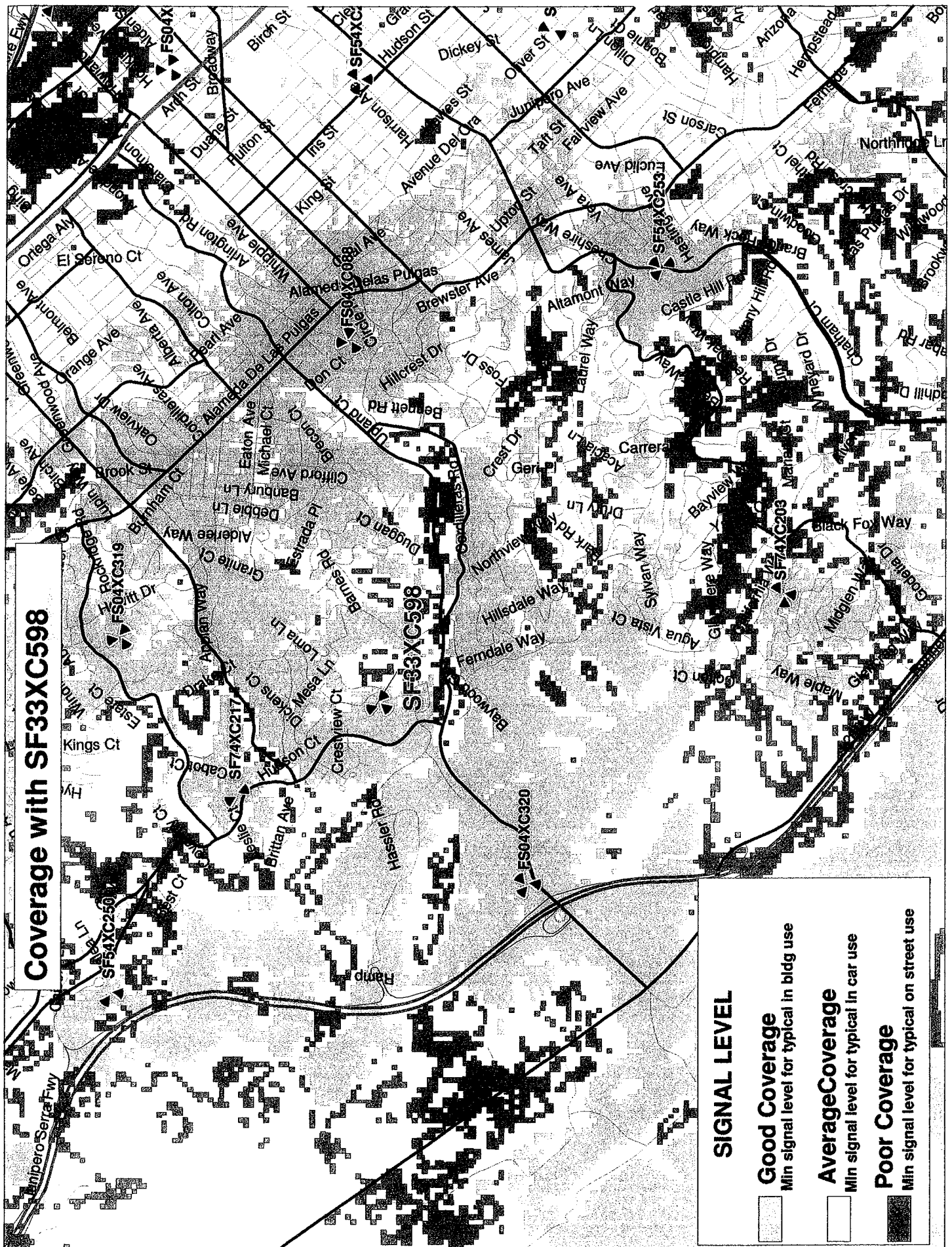
**Aerial Map**

10/10/07

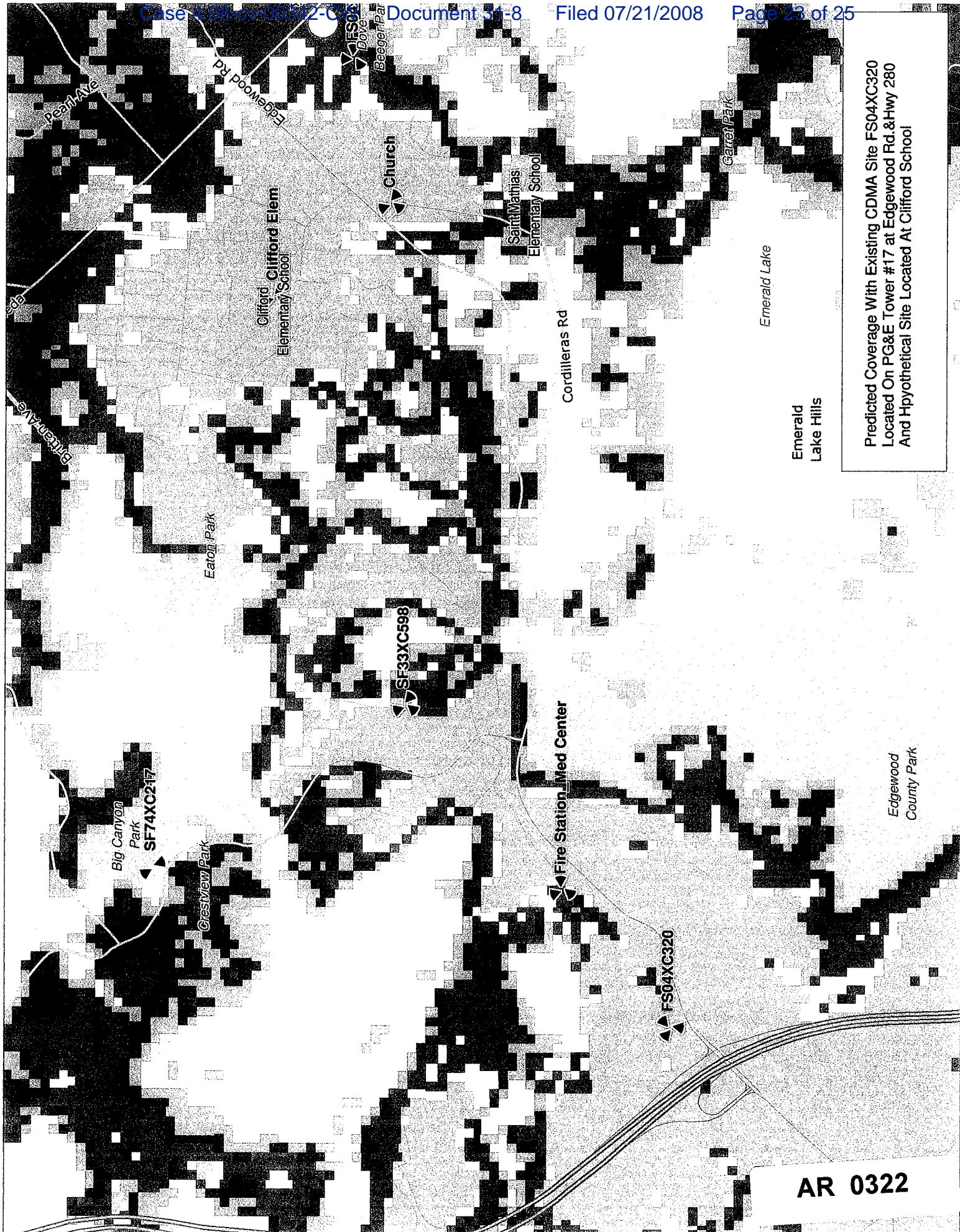
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Applied Imagination 510 914-0500





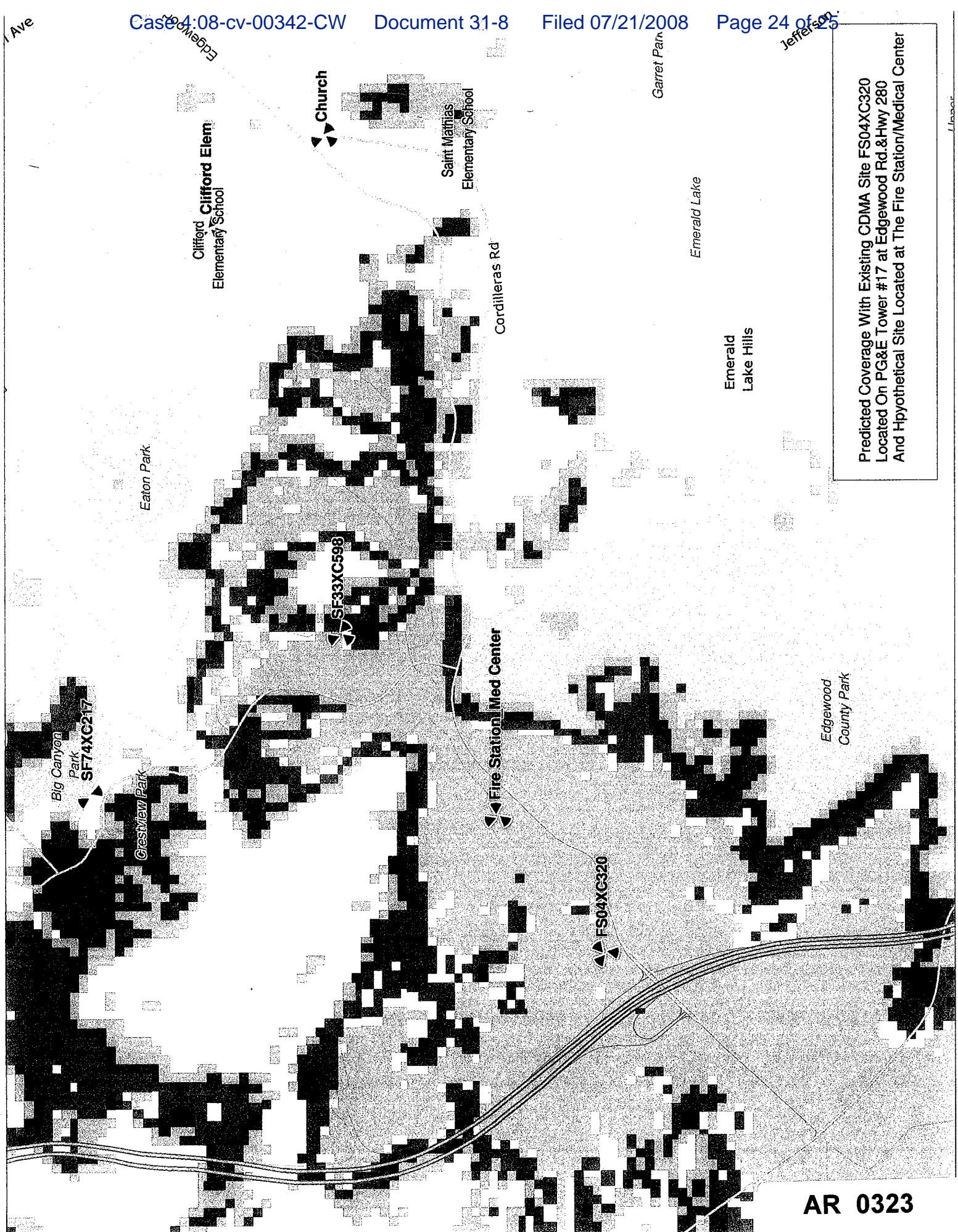




Predicted Coverage With Existing CDMA Site FS04XC320  
Located On PG&E Tower #17 at Edgewood Rd. & Hwy 280  
And Hypothetical Site Located At Clifford School

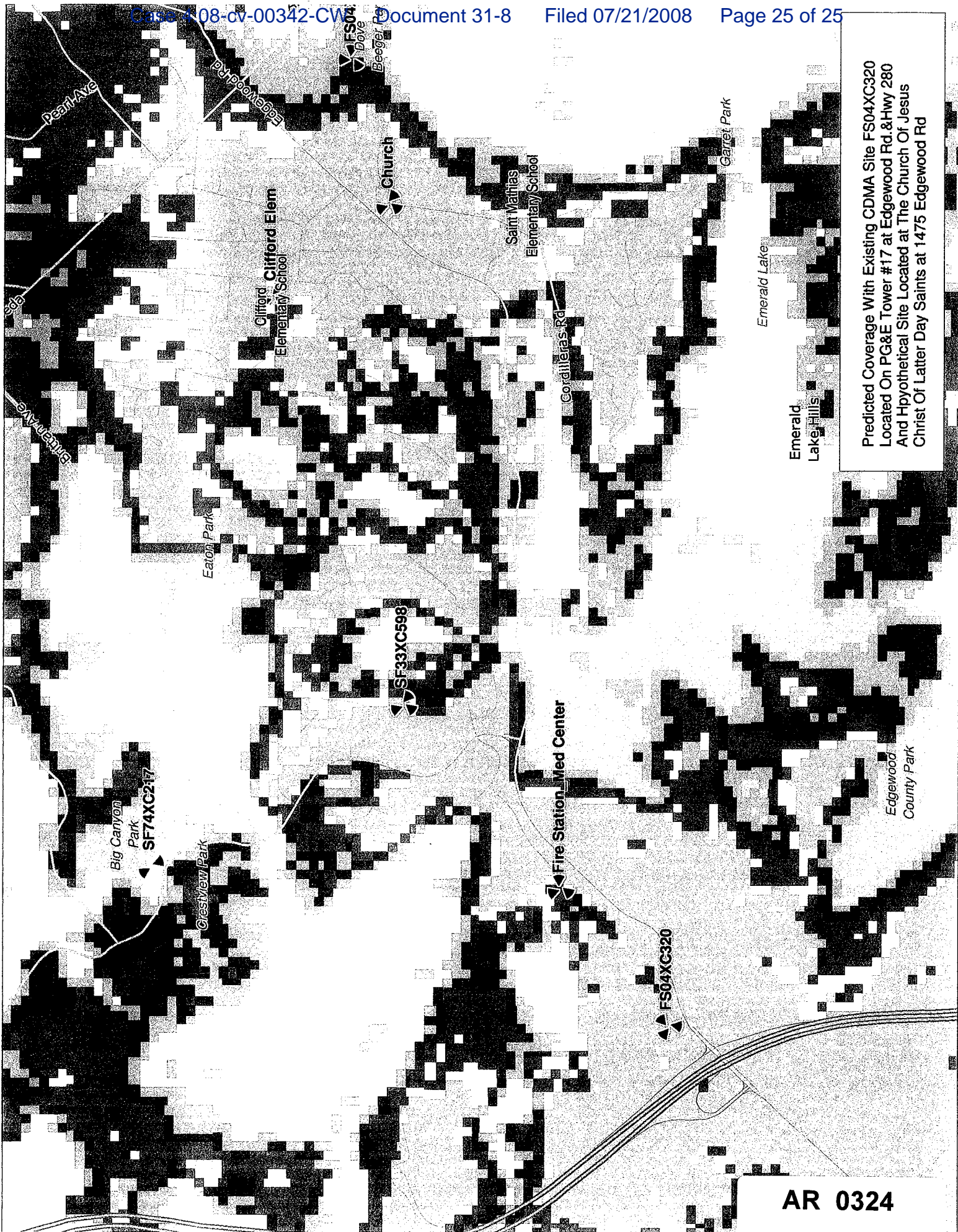
AR 0322





Predicted Coverage With Existing CDMA Site FS04XC320  
Located On PG&E Tower #17 at Edgewood Rd.&Hwy 280  
And Hypothetical Site Located at The Fire Station/Medical Center

AR 0323



AR 0324